

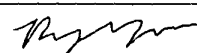
# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 20163DACB  
First Inventor or Application Identifier Louis S. Crocker, et al.  
Title POLYMORPHIC, AMORPHOUS AND HYDRATED FORMS OF  
5-CHLORO-3-(4-METHANESULFONYLPHENYL)-6-METHYL-[2,3]B  
PYRIDINYL  
Express Mail Label No. EV321983501US

22386 U.S. PTO  
10/660936

09/12/03

APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i>		ADDRESS TO: Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
1. <input checked="" type="checkbox"/> Fee Transmittal Form (Submit an original, and a duplicate for fee processing)		6. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)	
2. <input checked="" type="checkbox"/> Specification [ Total Pages <input type="text" value="10"/> ]		a. <input type="checkbox"/> Computer Readable Form (CRF)	
3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [ Total Sheets <input type="text" value="8"/> ]		b. <input type="checkbox"/> Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper	
4. Oath or Declaration a. <input type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 14 completed)  i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b>  Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).  5. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76		c. <input type="checkbox"/> Statements verifying identity of above copies	
		<b>ACCOMPANYING APPLICATION PARTS</b>	
		7. <input type="checkbox"/> Assignment papers (cover sheet & document(s))	
		8. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee) <input type="checkbox"/> Power of Attorney	
		9. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations	
		10. <input checked="" type="checkbox"/> Preliminary Amendment	
		11. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)	
		12. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)	
		13. <input type="checkbox"/> Other: _____	
14. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76: <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No. <u>10 / 342,379</u> Prior application information: <u>Examine. Z. N. Davis</u> Group/Art Unit: <u>1625</u> For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.			
<b>15. CORRESPONDENCE ADDRESS</b>			
<input checked="" type="checkbox"/> Customer Number <b>Customer No. 000210</b>			
NAME	Raynard Yuro		
ADDRESS	Merck & Co., Inc., P. O. Box 2000 - Patent Dept., RY60-30		
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COUNTRY	USA	TELEPHONE	732-594-0182
FAX	732-594-4720		
Name	Raynard Yuro	Registration No. (Attorney/Agent)	45,570
Signature		Date	9/12/2003

## EXPRESS MAIL CERTIFICATE

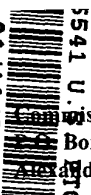
DATE OF DEPOSIT September 12, 2003

EXPRESS MAIL NO. EV321983501US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE  
UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE"  
ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS,  
P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

MAILED BY Oliver Schepers DATE September 12, 2003

09/12/03



Patent Case No. 20163DACB

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents,  
Box 1450  
Alexandria, Virginia 22313-1450

Prior Application:

Examiner Z. N. Davis

Art Unit 1625

This is a request for filing a ☒ Continuation ☐ Divisional

application, under 37 C.F.R. 1.53(b), of pending application Serial No. 10/342,379 filed on

01/14/2003 of Louis S. Crocker, et al.

(DATE)

(INVENTOR)

for POLYMORPHIC, AMORPHOUS AND HYDRATED FORMS OF 5-CHLORO-3-(4-METHANESULFONYLPHENYL)-6'-METHYL-[2,3']BIPYRIDINYL  
(TITLE OF INVENTION)

1. The enclosed comprises a copy of prior application Serial No. 10/342,379, as filed on 01/14/2003. The entire disclosure of this prior application is hereby incorporated by reference.

2. The filing fee is calculated below:

## CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Total Claims	5 - 20	0 x	\$18	\$0
Independent Claims	1 - 3	0 x	\$84	\$0
*Multiple Dependent Claims			\$280	
Basic Fee (minimum amount required)				\$750
* Add this fee if application contains any multiple dependent claims, regardless of number.				\$750
				<b>Total Fee</b>

3. The Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to Account No. 13-2755.

4. ☐ Amend the specification by inserting before the first line the sentence:  
-- This is a ☐ continuation, ☐ division of application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
5. ☐ Cancel in this application original claims: \_\_\_\_\_.
6. ☒ Preliminary amendment enclosed.
7. ☒ Information Disclosure Statement/PTO-1449 enclosed.
- 8a. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
- 8b. ☒ New formal drawings are enclosed.
- 9a. ☐ Priority of application Serial No. \_\_\_\_\_, filed \_\_\_\_\_, in \_\_\_\_\_ is claimed under 35 U.S.C. 119.  
(COUNTRY)
- 9b. ☐ The certified copy of the priority application has been filed in prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
10. ☒ The prior application is assigned to Merck & Co., Inc., Merck Frosst Canada & Co. \_\_\_\_\_.
11. ☒ The undersigned attorney or agent has:  
a. ☒ Power in the prior application as originally filed.  
b. ☐ Associate power, copy enclosed.

Respectfully,

By: Raynard Yuro

Attorney \_\_\_\_\_ for Applicant(s)

Registration No. 45,570

Telephone: (732) 594-0182

Address: Merck & Co., Inc.  
Patent Department  
P.O. Box 2000 - RY60-30  
Rahway, N.J. 07065-0907

Date: 9/12/2003

## EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT 9/12/2003

EXPRESS MAIL NO. EV321983501US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450.

FILED BY Lou Schepisi DATE 9/12/2003

DATE

Enclosure